

Serial No. 10/721,171



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Ralph VENUTO, Sr.) Group Art Unit: 3761
U.S. Serial No.: 10/721,171) Examiner: To be assigned
Filed: November 26, 2003)
For: SPRAY BOOTH) Docket No. 112139-00117

STATEMENT OF RELEVANCY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: April 26, 2004

Sir:

The following patent documents are cited in the Information Disclosure Statement (IDS) submitted with this statement, and are believed to be the most pertinent documents cited: Parker '164, Cooper '081, Parker '122, Laughlin '333, '475, and '243, McClain '593, McClain '192, Kato '950, FR2725362, DE4325971, WO98/52452, G9319158, DE3919197, and BE814319.

DE2309411 shows a chamber in which persons are sprayed with a composition. FR632,470 shows a vapor bath.



Form PTO 1449 (Modified)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 112139-00117	SERIAL NO. 10/721,171
LIST OF REFERENCES CITED BY APPLICANT		APPLICANT Ralph VENUTO, Sr.	
		FILING DATE November 26, 2003	GROUP 3761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOC. NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
AA	6,443,164	09/03/02	Parker et al.			
AB	6,387,081	05/14/02	Cooper			
AC	6,311,344	11/06/01	Komulainen			
AD	6,302,122	10/16/01	Parker et al.			
AE	6,231,837	05/15/01	Stroud et al.			
AF	6,027,566	02/22/00	Telchuk et al.			
AG	5,664,593	09/09/97	McClain			
AH	5,662,890	09/02/97	Punto et al.			
AI	5,503,824	04/02/96	Lentini et al.			
AJ	5,493,996	02/27/96	Verschueren et al.			
AK	5,468,234	11/21/95	Griffin et al.			
AL	5,460,192	10/24/95	McClain			
AM	5,416,931	05/23/95	Wolfenden et al.			
AN	5,387,200	02/07/95	Kronstadt			

FOREIGN PATENT DOCUMENTS

	DOC. NUMBER	DATE	COUNTRY	TRANSLATION YES	NO
AO	4332556	19/11/92	Japan	<input checked="" type="checkbox"/> Abstract	<input type="checkbox"/>
AP	3205057	06/09/91	Japan	<input checked="" type="checkbox"/> Abstract	<input type="checkbox"/>
AQ	WO 00/54892	21/09/00	PCT	<input type="checkbox"/>	<input type="checkbox"/>
AR	WO 94/12146	09/06/94	PCT	<input type="checkbox"/>	<input type="checkbox"/>
AS	DE 3605807	22/02/86	Germany	<input checked="" type="checkbox"/> Abstract	<input type="checkbox"/>
AT	DE 3919197	13/06/89	Germany	<input checked="" type="checkbox"/> Abstract	<input type="checkbox"/>
AU	G 9319158	14/12/93	Germany	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

AW	"Pay Your Quarters Get a Tan," Jeffrey L. Hiday; THE GALE GROUP, K-Sun Inc., July 17, 1989; Gale Group Business A.R.T.S., Adweeks Marketing Week, vol. 30, n29 P4(1)
AX	Clinical Reviews "Dihydroxyacetone-containing sunless or self-tanning lotions," Stanley B. Levy, MD, Chapel Hill, North Carolina; pp. 989-993 (Dec. 1992).
AY	"Formulating Effective Self-Tanners with DHA," Thekia Kurz, Ph.D., E. Merck/Rona; Damstadt, Germany, reprint from Nov. 1994 Cosmetic & Toiletries, Vol. 109, No. 11, p. 55
AZ	Dermatology 1994:188:247, J.A. Johnson, R.M. Fusaro, Dept. of Internal Medicine/Dermatology, Univ. of Nebraska Med. Ctr., "Persistence of Skin Color and Fluorescence after Treatment with Dihydroxyacetone."

Examiner

Date Considered

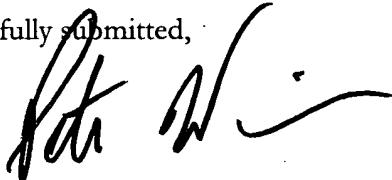
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Serial No. 10/721,171

The IDS and this Statement of Relevancy should not be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. (s) 1.56(b), and should not be construed as a representation that a search has been made.

Respectfully submitted,

By:


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Docket No.

112139-00117

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Ralph VENUTO, Sr.
SERIAL NO: 10/721,171
FILED: November 26, 2003
FOR: SPRAY BOOTH

GAU: 3761
EXAMINER: To be assigned

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA. 22313-1450

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.

A check is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

Attached is a copy of applicant's pending application(s) or issued patent(s) which may be related to the present application. These documents are listed on form PTO-1449, also attached.

A check is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

Each item of information contained in this information disclosure statement was cited for the first time in any communication from a foreign patent office in any counterpart foreign application not more than three months prior to the filing of this statement.

No item of information contained in this information disclosure statement was cited for the first time in any communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

This Information Disclosure Statement is being filed within three months of the filing date of the subject patent application.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits.

PETITION

Applicant(s) hereby request consideration of the attached information. A check is attached in the amount of the Petition fee required under 37 CFR §1.17(i)(1).

DEPOSIT ACCOUNT

Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account number 23-2185. A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

BLANK ROME LLP


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27557

PATENT TRADEMARK OFFICE

Date: April 23, 2004

08/01



Form PTO 1449 (Modified)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 112139-00117	SERIAL NO. 10/721,171
LIST OF REFERENCES CITED BY APPLICANT		APPLICANT Ralph VENUTO, Sr.	
		FILING DATE November 26, 2003	GROUP 3761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOC. NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
AA	5,397,394	03/14/95	Orr			
AB	5,302,378	04/12/94	Crotty et al.			
AC	5,273,214	12/28/93	Huffstutler			
AD	5,268,166	12/07/93	Barnett et al.			
AE	5,259,339	11/09/93	McLaughlin			
AF	5,232,688	08/03/93	Ziegler et al.			
AG	5,221,230	06/22/93	Darvin et al.			
AH	5,153,174	10/06/92	Band et al.			
AI	5,102,660	04/07/92	Forestier et al.			
AJ	5,089,269	02/18/92	Noda et al.			
AK	4,832,943	05/23/89	Grollier et al.			
AL	4,765,542	08/23/88	Carlson			
AM	4,749,130	06/07/88	Utzinger			
AN	4,510,889	04/16/85	Jobe			

FOREIGN PATENT DOCUMENTS

	DOC. NUMBER	DATE	COUNTRY	TRANSLATION YES	NO
AO	GB 2241165	28/08/91	United Kingdom	<input type="checkbox"/>	<input type="checkbox"/>
AP	EP 599197	18/11/83	Europe	<input checked="" type="checkbox"/> Abstract	<input type="checkbox"/>
AQ	FR 632470	10/01/28	France	<input type="checkbox"/>	<input type="checkbox"/>
AR	FR 2725362	11/10/94	France	<input type="checkbox"/>	<input type="checkbox"/>
AS	FR 2637497	12/10/88	France	<input checked="" type="checkbox"/> Abstract	<input type="checkbox"/>
AT	FR 814319	16/08/74	Belgium	<input checked="" type="checkbox"/>	<input type="checkbox"/>
AU	DE 4325971	16/02/95	Germany	<input checked="" type="checkbox"/> Abstract	<input type="checkbox"/>

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

AV	Cosmetics and Perfumery, Vol. 8, August 1973, "Microbiological Profile of Used Eye Cosmetics by Examination of Product Only," David W. Anderson, Jr., John F. McConville and Claude B. Anger. pp 3, 31-33 and "Theory and Practice of Artificial Tanning" by Futherer et al.
AW	Federal Register, Vol. 38, No. 148 08/02/1973, pp 20615 and 20616, Part 8 – Color Additives.
AX	JEPTO 5-4/5:349-351, "Non-Carcinogenicity of Dihydroxyacetone by Skin Painting" Frank J. Akin and Edward Marlowe, Department of Pharmacology and Toxicology, Schering-Plough Corp., © 1984..
AY	

Examiner

Date Considered

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOC. NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
AA	4,425,672	01/17/84	Johnson et al.			
AB	4,237,780	12/09/80	Truhan			
AC	4,231,289	11/04/80	Domicent			
AD	4,196,479	04/08/80	Geisler			
AE	4,083,328	04/11/78	Baker			
AF	4,056,078	11/01/77	Blafford et al.			
AG	4,020,796	05/03/77	Grifa			
AH	3,932,151	01/13/76	Lau			
AI	3,920,808	11/18/75	Fusaro			
AJ	3,868, 950	03/04/75	Kato			
AK	3,867,906	02/25/75	Johnson			
AL	3,734,058	05/22/73	Hightower et al.			
AM	3,396,411	08/13/68	A. Vieceli			
AN	3,272,713	09/13/66	Runge			

FOREIGN PATENT DOCUMENTS

	DOC. NUMBER	DATE	COUNTRY	TRANSLATION YES	NO
				<input type="checkbox"/>	<input type="checkbox"/>
AO	DE 2309411	29/08/74	Germany	<input type="checkbox"/>	<input checked="" type="checkbox"/>
AP	WO 98/52452	26/11/98	PCT	<input checked="" type="checkbox"/> Abstract	<input type="checkbox"/>
AQ	20623	1898	Poland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
AR				<input type="checkbox"/>	<input type="checkbox"/>
AS				<input type="checkbox"/>	<input type="checkbox"/>
AT				<input type="checkbox"/>	<input type="checkbox"/>
AU				<input type="checkbox"/>	<input type="checkbox"/>

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

AW	Fusaro et al. (1972). Protection against light sensitivity with dihydroxyacetone/ naphthoquinone. <i>Int. J. Dermatology</i> , Vol. 11, No. 2, pp. 67-70
AX	Fusaro et al. (1971). Sunlight protection in patients with chlorpromazine light sensitivity. <i>Int. J. Dermatology</i> , Vol. 10, No. 3 , pp.198-200
AY	Fusaro et al. (1970). Erythropoietic protoporphyrin IV. Protection from sunlight. <i>Br. Med. J.</i> , Vol. 1. pp. 730-731
AZ	Fusaro et al. (1974). Photoprotection of patients sensitive to short and/or long ultraviolet light with dihydroxyacetone/naphthoquinone. <i>Dermatologica</i> , Vol. 148, No. 4 pp. 224-227

Examiner

Date Considered

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOC. NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	3,009,165	12/15/60	Washam et al.			
	AB	2,949,403	08/16/60	Andreadis			
	AC	2,700,384	01/25/55	Ivory			
	AD	1,982,509	11/27/34	Frank			
	AE	1,262,638	04/16/18	Class			
	AF	871,074	11/12/07	Stockton			
	AG	870,766	11/12/07	Eaton			
	AH	624,420	05/02/99	Atwater et al.			
	AI	300,246	06/10/84	Goldberg			
	AJ	2002/0096186 A1	07/25/02	Von Halem			
	AK	2002/0088475	07/11/02	Laughlin			
	AL	6,439,243	08/27/02	Laughlin			
	AM	5,922,333	07/13/99	Laughlin			
	AN						

FOREIGN PATENT DOCUMENTS

		DOC. NUMBER	DATE	COUNTRY	TRANSLATION YES	NO
					<input type="checkbox"/>	<input type="checkbox"/>
	AO				<input type="checkbox"/>	<input type="checkbox"/>
	AP				<input type="checkbox"/>	<input type="checkbox"/>
	AQ				<input type="checkbox"/>	<input type="checkbox"/>
	AR				<input type="checkbox"/>	<input type="checkbox"/>
	AS				<input type="checkbox"/>	<input type="checkbox"/>

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

AT	Johnson et al. (1973). Protection against long ultraviolet light with dihydroxyacetone/naphthoquinone. <i>Dermatologica</i> , Vol. 47, pp.104-108
AU	Fusaro et al., Sunlight protection in normal skin, <i>Archives of Dermatology</i> , Vol. 93, pp. 106-111 (Jan. 1966)
AV	Binks, Training Division, TD49-2R-4, "Spray Application Processes," 4 pp., printed 8/95
AW	Binks, Training Division, "Compressed Air Spray Gun Principles," 13 pp.; printed 7/95
AX	

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